

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 322-2017

**AN ORDINANCE APPROVING A FINANCIAL
AGREEMENT, INCLUDING AN AGREEMENT FOR A
PAYMENT IN LIEU OF TAXES, BETWEEN THE CITY OF
CAPE MAY AND VT URBAN RENEWAL, LLC,
PURSUANT TO THE LONG-TERM TAX EXEMPTION
LAW, FOR THE VICTORIAN TOWERS
HOUSING PROJECT**

WHEREAS, VT Urban Renewal, LLC, is an urban renewal entity within the meaning of the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.; and

WHEREAS, the members of VT Urban Renewal are the Diocesan Housing Services Corporation of the Diocese of Camden, the Hudson Valley Property Group and MDG Design and Construction, LLC; and

WHEREAS, the members have formed VT Urban Renewal to refinance and substantially renovate Victorian Towers, a 205-unit senior affordable apartment building located at 608 Washington Street, Block 1058, Lots 1 and 34 in Cape May, a property that is currently operated and managed by DHSC; and

WHEREAS, in connection with the refinancing and renovation project, VT Urban Renewal seeks to enter into a Financial Agreement with the City of Cape May, pursuant to the Long-Term Tax Exemption Law, that includes a payment in lieu of property taxes (PILOT); and

WHEREAS, having carefully considered the matter, and having reviewed proposed renovations and the Financial Agreement, the Cape May City Council believes it is in the City's best interest to enter into the Agreement with VT Urban Renewal, LLC,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, as follows:

Section 1. The averments of the preamble are incorporated herein.

Section 2. The City Council hereby approves the Financial Agreement between the City of Cape May and VT Urban Renewal, LLC, in the form attached to this Ordinance as Exhibit A, and authorizes the Mayor and all other appropriate city officials to take all steps necessary to consummate and perfect that agreement.

Section 3. The Agreement shall provide that the Victorian Towers project shall pay to the City, in lieu of taxes, an annual service charge, in accordance with an escalating schedule as set forth in the Agreement, with a minimum annual payment of \$192,337.00.

Section 4. The Agreement, and the governing laws and financing provisions, shall further provide that, for a period of at least 30 years, approximately 160 of the property's units will be affordable to senior citizens earning less than 60% of the area's median income, and that, for 20 years, the remaining 45 units will be affordable to seniors earning 95% of the area's median income.

Section 5. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 6. All ordinances inconsistent with this Ordinance are hereby repealed.

Section 7. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation
of the State of New Jersey

Patricia Harbora, City Clerk

BY: _____
Clarence F. Lear III, Mayor

NOTICE

Ordinance 322-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on May 16, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on June 20, 2017, 6:00 P.M. at which time a Public Hearing will be held.

Patricia Harbora,
City Clerk

Introduction:	May 16, 2017
First Publication:	May 24, 2017
Second Reading & Adoption:	June 20, 2017
Final Publication:	June 28, 2017
Effective Date:	July 18, 2017

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 153-06-2017

**RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSE RENEWAL
FOR THE 2017-2018 LICENSE YEAR**

MOTION:

SECOND:

WHEREAS, the following Alcoholic Beverage Licensees have applied for the renewal of their respective licenses for the year 2017-2018 and their applications are complete in all respects:

Frog Spring Corp t/a Cabanas	0502-33-007-005
King Edward Corp t/a Chalfonte Hotel	0502-36-016-004
Ocean Front Properties LLC/ Grande Hotel CM	0502-36-029-002
Victorian Hotels Inc t/a Aleathea's Inn of Cape May	0502-36-005-003
19 Jackson Street Inc t/a Mad Batter	0502-33-003-008
Phinney Corp t/a Elaines Victorian Inn	0502-32-021-005
Carney' Inc	0502-32-001-005
Carpenter Street Hospitality Inc.	0502-33-006-003
Miquon Inc t/a Delany's	0502-33-020-003
Slawek llc t/aUgly Mug	0502-32-010-005
Sea Salt Cape May LLC	0502-36-017-003

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that the liquor licenses listed above are renewed for the period July 1, 2017, through June 30, 2018, subject to the individual conditions for each licensee set forth on Schedule A, which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the City Clerk shall notify each licensee of the conditions aforesaid, shall supply a copy of this Resolution to the licensed establishment, and shall take all further steps necessary to effectuate this Resolution.

BE IT FURTHER RESOLVED that the City Clerk shall issue, to the person and premise(s) enumerated in Schedule A, the class of license listed, upon receipt of all necessary documents, fees and the licensee's signature therefore.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Police Department
State Division of ABC (Certified)
Cape May County Health Department (Certified)
Licensed establishment(s)

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 154-06-2017

A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO CHAPTER 159 PL 1948

MOTION:

SECOND:

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape May, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the budget of the Year 2017, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: State of New Jersey – DEP Clean Communities Program
Appropriation Title: Current Fund NJDEP 2017 Clean Communities OE
Amount: \$18,943.63

BE IT FURTHER RESOLVED that completed Certifications for this Resolution be forwarded to the Director of the Division of Local Government Services for approval.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: City Treasurer

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 155-06-2017

**A RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING
THE ANNUAL 4TH OF JULY FIREWORKS DISPLAY**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") provides an annual fireworks display in celebration of the 4th of July for the residents and visitors of the City of Cape May; and

WHEREAS, the City Council of the City of Cape May (City Council) is authorized, pursuant to N.J.S.A. 21:3-3, to grant permission for the purchase, possession and public display of fireworks; and

WHEREAS, City Council desires to continue to provide a fireworks display in accordance with the applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED, the City of Cape May, County of Cape May, State of New Jersey, hereby authorizes a permit to be granted for the **annual 4th of July fireworks display to be held on Tuesday, July 4, 2017**, to S. Vitale Pyrotechnic Industries, Inc., dba Pyrotecnico, P.O. Box 149, New Castle, PA 16103 for a fireworks display on a barge off the beachfront of the City of Cape May, in the Atlantic Ocean, pursuant to the provisions of N.J.S.A. 21:3 et seq., and the State Fire Prevention Code for New Jersey, Chapter 31, Section F-3101 et seq. as adopted by N.J.A.C. 5:70-3.1.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

Police Department
Fire Department/EMT
State-DCA
Beach Patrol
Congress Hall
Pyrotecnico

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 156-06-2017

**RESOLUTION OF MUNICIPAL SUPPORT FOR
NEW JERSEY'S WILDLIFE ACTION PLAN**

MOTION:

SECOND:

Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community, the City of Cape May pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for New Jersey wildlife and our citizens; and

WHEREAS, the New Jersey Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State; and

WHEREAS, the New Jersey Wildlife Action Plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

NOW THEREFORE, BE IT RESOLVED, that the City of Cape May may take the following steps regarding our municipal land-use decisions with the intent of keeping Cape May City, an ecologically sustainable community. It is our intent to include these principles, when possible and appropriate, to the City's public lands management, the environmental resources inventory, the master plan and the update zoning regulations.

- Identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
- Protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- Protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- Minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 157-06-2017

A RESOLUTION OPPOSING OFFSHORE SEISMIC TESTING AND OFF-SHORE DRILLING FOR GAS AND OIL IN THE ATLANTIC OCEAN

MOTION:

SECOND:

WHEREAS, the City of Cape May is the southernmost anchor of New Jersey's commercial fisheries, recreational beaches and tourism industry; and

WHEREAS, Cape May fully recognizes its important stewardship role for the area's ecological resources, environmental protections, and natural wild-life habitats; and

WHEREAS, any seismic testing and/or offshore drilling activities can have a deleterious impact on Cape May's scenic shoreline, coastal wetlands, oceanic marine life and ecosystems, natural estuaries, migratory bird patterns, community life and tourism economy; and

WHEREAS, intense seismic blasts and/or oil spills can pose devastating effects and unalterable consequences for the economy, environment, health, and well-being of Cape May and other coastal communities; and

WHEREAS, the City of Cape May endorses the positions of United States Representative Frank LoBiondo, Senator Robert Menendez and Senator Cory Booker to prevent any resumption of seismic testing and/or offshore drilling; and

WHEREAS, the City of Cape May is proud to join an ever-expanding coalition of coastal cities and towns, elected officials, states, private businesses, and shore community families in opposing seismic blasting, offshore drilling or both;

NOW, THEREFORE, BE RESOLVED that the City Council of the City of Cape May hereby opposes any plans to conduct offshore oil and gas exploration, offshore drilling and/or seismic blasting in the Atlantic Ocean, because such activities could have disastrous impacts, no matter how unintentional, on the City's economy, environment, tourism industry, and social fabric; and

BE IT FURTHER RESOLVED that the City Council encourages all coastal communities, their inland neighbors, their counties, their states, and members of their private and not-for-profit civic sectors to stand in solidarity against any plans to conduct offshore seismic testing and/or offshore drilling.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 158-06-2017

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF CAPE MAY AND THE BLUE ROSE RESTAURANT TO PERMIT AN ELECTRICAL SERVICE UPGRADE

MOTION:

SECOND:

WHEREAS, Keating's Blue Rose, LLC, is the owner of the Blue Rose Inn & Restaurant, located adjacent to Cape May City Hall at 653 Washington Street, Cape May, NJ; and

WHEREAS, the Blue Rose receives its electrical service through facilities located on City property, and has done so for many years; and

WHEREAS, the Blue Rose wishes to upgrade its electric service, and such upgrade will require a minor disturbance of the City property where the Blue Rose service facility is located; and

WHEREAS, the Cape May City Council believes it appropriate to allow Blue Rose and Atlantic City Electric Company access to its property to perform the needed electric service upgrade, under terms and conditions sufficient to protect the city's property; and

WHEREAS, attached to this Resolution is a draft Agreement that the City Council believes accomplishes that objective,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Cape May hereby agrees to enter into the attached Agreement, and authorizes the Mayor, City Manager and all other appropriate City officers and employees to take all steps necessary to execute and perfect the Agreement.

This Resolution shall take effect immediately, according to law.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

CITY OF CAPE MAY

RESOLUTION NO. 159-06-2017

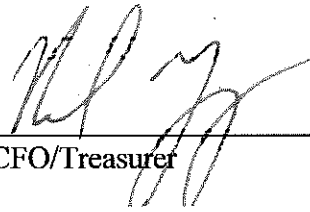
RESOLUTION FOR THE PAYMENT OF BILLS

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated June 16, 2017 for the amount of: \$1,900,689.02

Current Fund Appropriations	\$ 173,354.39
Water/Sewer Utility Operating Fund	\$ 713,488.17
Tourism Utility Fund	\$ 41,096.72
General Capital Improvements	\$ 792,076.83
Water/Sewer Capital Improvements	\$ 18,023.92
Escrow Special Account	\$ 7,848.75
Trust Fund	\$ -
Grant Fund	\$ 116,965.62
Beach Utility Fund Appropriations	\$ 29,953.42
Beach Utility Capital Improvements	\$ 7,881.20
	<u>\$ 1,900,689.02</u>



Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 160-06-2017

A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO CHAPTER 159 PL 1948

MOTION:

SECOND:

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape May, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the budget of the Year 2017, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: ANJEC – 2017 Open Space Stewardship Grant
Appropriation Title: ANJEC – 2017 Open Space Stewardship Grant - OE
Amount: \$1,500.00

BE IT FURTHER RESOLVED that completed Certifications for this Resolution be forwarded to the Director of the Division of Local Government Services for approval.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: City Treasurer

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 161-06-2017

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

MOTION:

SECOND:

WHEREAS, the City Council of the City of Cape May is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the City Council of the City to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body

_____ (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed – 702 Beach Avenue, Cape May, NJ

____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

X (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer-Hiring Special Council for Police matter-Special Council for Police matter

X (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance or promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting – Personnel

____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, assembled in public session on June 20, 2017, that an Executive Session closed to the public shall be held on this date beginning at 6:00 P.M. in the City Hall Building of the City of Cape May, 643 Washington Street, Cape May for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the City Council that the public interest will no longer be served by such confidentiality.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on June 20, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				